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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/934,967	08/22/2001	Charles A. Finn	01-2827-64	9064

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EXAMINER

DUONG, THANH P

ART UNIT	PAPER NUMBER
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3711

DATE MAILED: 04/22/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/934,967

Applicant(s)

FINN, CHARLES A.

Examiner

Tom P Duong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7,9-11,13-15,17,18,20-27 and 33-35 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

- 6) ☒ Claim(s) 1-7,9-11,13-15,17,18,20-27 and 33-35 is/are rejected.

- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.

- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.

- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some \* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)

- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.

- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.

- 5) ☐ Notice of Informal Patent Application (PTO-152)

- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

Applicant's election with traverse of Species 1 (Figs. 1-4) in Paper No. 5 is acknowledged. The traversal is on the ground(s) that all claimed figures have unity of invention. After further reviewing the restriction requirement, all Figures have different embodiments but it appears that Species 1 consists of Figures 1-8, Species 2 (Figures 9-11), Species 3 (12-13), and Species 4 (14-18). Figures 9-11 show a weighted portion located in a chamber with an enclosing faceplate. Figures 12-13 show a weighted portion attached to the sole portion. Figures 14-18 show a weight portion in a chamber without the enclosing faceplate.

Thus, Examiner will prosecute Species 1 (Figures 1-8: Claims 1-7, 9-11, 13-15, 17-18, 20-27, and 33-35) as described below. Claims 8, 12, 16, 19, and 28-32 are withdrawn from consideration as directed to non-elected Species 1, 37CFR1.142..

The requirement is still deemed proper and is therefore made FINAL.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, 5, and 33-34 are rejected under 35 U.S.C. 102(b) as being anticipated by D'Eath (5,046,740). D'Eath discloses a golf putter having a striking face 26,

longitudinal extending body portion 12 which constitutes a support member, and weights (36, 38, 40, 42, 44, 46) secured to the body portion 12.

2. Claims 1, 5, and 33-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Anderson (5,344,151). Anderson et al. discloses a golf putter having a striking face 22, a cylindrical weight receptacle 18 which constitutes a support member, and a weight notch 28 secured to weight receptacle 18.

3. Claims 1-3, 5, and 33-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Guthrie et al. (5,700,207). Guthrie et al. discloses a golf putter having a striking face 8, web 12 constitutes a support member, and a counterbalancing section 10 which constitutes a weight member.

4. Claims 1-3, 5, and 33-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Baker (5,716,290). Baker et al. discloses a golf putter having a striking face 14, an extended body portion rearwardly consists of a neck and weight extended in the y-axis. (Figure 1).

5. Claims 1, 3, and 33-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Paquette (5,308,069). Paquette discloses a putter with legs 32 and 34 support member for the weight bar 28.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2, 4-7, 9-11, 13-15, 17-18, 20-27, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paquette '069. Regarding claims 1-2, 4, and 26, Paquette discloses a U-shape, rectangular bar weight structure, and the T-shape and cylindrical weight structure of the claimed invention is an obvious variation of design choice. Regarding claims 5 and 27, Paquette provides sufficient legs (32,34) extension to facilitate the attachment of the bar 30 and it would be obvious to have the claimed support member with sufficient extension to facilitate the attachment of the elongated cylindrical weight. Regarding claims 6, 10, and 21, Paquette discloses the mass distribution increases from in the direction going from top surface of the face to the sole and it would be obvious in the claimed invention to mount the balanced weight structure at the top striking face surface for higher center of gravity. Regarding claims 7, 11, 18, and 22, Paquette shows recesses (46, 48) functionally equivalent to the bore, to accommodate the legs or support member. Regarding claims 9, 13-14, and 35, the mounting location of the claimed support member and its weight member is a design choice since both Paquette and the claimed invention have the same concept of providing a balanced putter, which is more forgiving if the ball is not struck precisely at the "sweet spot". (Col. 1, lines 16-25). Regarding claims 15 and 24, it would be obvious in view of Paquette to attach the balanced weight structure integrally with the clubhead or separately to facilitate assembly and/or provide adjustment for weight distribution. Regarding claim 17, Official Notice is taken that it is known in the art to use a higher density weight member than the rest of the club body and it would be obvious to do here

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to control weight distribution. Regarding claim 20, Paquette shows a weighted portions 22, 24 and sole plate (18, 20) formed integrally with the club body. Regarding claim 23, Paquette discloses the peg portions 50, 52 or legs are epoxy glued to the recesses, and Official Notice is taken that it is known in the art that club parts can be join together by epoxy glued, screws, bolts, and welding. Regarding claim 25, Paquette discloses a putter bight portion or the weighted bar is two inch long which is approximately half the length of the face. (Col. 3, lines 4-19).


### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tom P Duong whose telephone number is (703) 305-4559. The examiner can normally be reached on 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Sewell can be reached on (703) 308-2126. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 873-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

Tom Duong  
April 15, 2003

  
Paul T. Sewell  
Supervisory Patent Examiner  
Group 3700